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NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

Global Intellectual Property

14. Feb. 2007

BASF Aktiengesellschaft
67056 Ludwigshafen
ALLEMAGNE

AST/V

Date of mailing (day/month/year)
08 February 2007 (08.02.2007)

Applicant's or agent's file reference
0000055489

IMPORTANT NOTIFICATION

International application No.
PCT/EP2005/003214 ✓

International filing date (day/month/year)
26 March 2005 (26.03.2005)

Applicant

BASF Aktiengesellschaft et al

Phase beendet 16.08.06

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

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The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000055489	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/003214	International filing date (day/month/year) 26.03.2005	Priority date (day/month/year) 30.03.2004
International Patent Classification (IPC) or national classification and IPC E04B1/94		
Applicant BASF Aktiengesellschaft		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of _____ sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003214

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-4 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages** _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
25.01.2006 with letter
nos.* 1-9 received by this Authority on of 23.01.2006
- nos.** _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets** _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/003214

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-9</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-9</u>	NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: US 4 015 386 A (COOK ET AL) 5 April 1977 (1977-04-05)			
D2: US 3 466 222 A (F. W. CURTIS) 9 September 1969 (1969-09-09)			
1.1 INDEPENDENT CLAIM 1			
<p>The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 does not involve an inventive step under PCT Article 33(3).</p>			
<p>Document D1 discloses a thermal insulation composite, comprising two metal sheets 5, 6 with a thermally insulating core material 18, where, between the thermally insulating core material 18 and at least one metal sheet a fire-protection layer 15, which comprises an intumescent mass based on an alkali metal silicate is introduced.</p>			
<p>The subject matter of claim 1 therefore differs from the known thermal insulation composite in that the core material is composed of moulded polystyrene foam, whereas the core material known from D1 is composed of polyurethane foam.</p>			
<p>The use of polystyrene foam as an alternative to polyurethane foam in combination with an intumescent mass based on an alkali metal silicate for fire protection is known from the prior art (see, for example, document D2; column 3, lines 39-75). The fact that the core material is composed of moulded</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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polystyrene foam is therefore a feature which is only one of several obvious possibilities from which a person skilled in the art would choose in order to solve the problem of interest, without thereby being inventive.

1.2 DEPENDENT CLAIMS 2-5

Claims 2-5 do not contain any features, which in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step. The reasons are as follows:

- the additional features of claims 3, 4 are previously known from D1, and
- the additional features of claims 2 and 5 are merely conventional feasible ranges of density and thickness having no surprising effect.

2.1 INDEPENDENT CLAIM 6

The subject matter of process claim 6 does not involve an inventive step under PCT Article 33(3).

Document D1 discloses a process for production of a thermal insulation composite via bonding of two metal sheets 5, 6 and of a thermally insulating core material 18, where a fire-protection layer 15, which comprises an intumescent mass based on an alkali metal silicate is introduced between the thermally insulating core material 18 and at least one metal sheet.

The subject matter of claim 6 therefore differs from the known process in that the core material is composed of moulded polystyrene foam, whereas the core material known from D1 is composed of polyurethane foam.

The use of polystyrene foam as an alternative to polyurethane foam in combination with an intumescent mass based on an alkali metal silicate for fire protection is known from the prior art (see, for example, document D2; column 3, lines

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

39-75). A person skilled in the art would therefore regard the use of moulded polystyrene foam merely as one of several obvious possibilities from which that person would choose in order to solve the problem of interest, without thereby being inventive.

2.2 DEPENDENT CLAIMS 7, 8

Claims 7,8 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step, because the additional features of claim 7 represent a conventional step in a process and the additional features of claim 8 are previously known from D1.

3. INDEPENDENT CLAIM 9

The subject matter of claim 9 does not involve an inventive step under PCT Article 33(3), because document D1 discloses the use of the thermal insulation composite for the production of cold stores.